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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VOLKSWAGEN GROUP OF
AMERICA, INC. DATA BREACH
LITIGATION

Master File No. 2:21-cv-13049-JMV-JBC
**STIPULATION AND [PROPOSED]
ORDER TO TRANSFER CASE TO
THE NORTHERN DISTRICT OF
CALIFORNIA**

Plaintiffs John Hajny (“Hajny”), Ricardo Villalobos (“Villalobos”), Anthony Service (“Service”), and Jeremy Adams (“Adams”) (collectively “Plaintiffs”), and Defendants Volkswagen Group of America, Inc. (“VGoA”), Audi of America, LLC (“Audi”), and Sanctus, LLC d/b/a Shift Digital (“Shift Digital”) (collectively, “Defendants”) (Plaintiffs and Defendants collectively, the “Parties”), by and through their counsel of record, stipulate as set forth below. For ease of reference, the

stipulation contains headings to outline relevant case history and background, the Parties' meet and confer efforts, and the request to the Court.

CASE HISTORY AND BACKGROUND

WHEREAS, on September 14, 2021, this Court ordered the consolidation of *Villalobos, et al. v. Volkswagen Group of America, Inc., et al.*, Case No. 2:21-cv-13049-JMV-JBC (filed June 28, 2021) ("*Villalobos*"); and *Hajny v. Volkswagen Group of America, Inc., et al.*, Case No. 2:21-cv-13442-JMV-JBC (filed July 8, 2021), with all papers to be filed under Case No. 2:21-cv-13049-JMV-JBC (ECF No. 18). Plaintiffs filed their consolidated complaint in this Court on October 14, 2021. (ECF No. 20);

WHEREAS, Plaintiffs allege "3.3 million [customers and prospective buyers] had their sensitive personally identifiable information ('PII') stolen from Defendants by computer hackers in a cyber-attack (the 'Data Breach')." (*Id.* at ¶ 2);

WHEREAS, Plaintiffs assert causes of action on behalf of themselves and a nationwide putative class of customers and prospective buyers against Defendants for (i) negligence; (ii) unjust enrichment; (iii) breach of confidence; (iv) breach of implied contract; (v) declaratory and injunctive relief; (vi) violation of the Drivers' Privacy Protection Act, 18 U.S.C. § 2724; (vii) violation of California's Consumer Privacy Act, Cal. Civ. Code § 1798.150; (viii) violation of California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.*—Unlawful Business Practices; (ix) violation of California's Unfair Competition Law, Cal. Bus. & Prof.

Code § 17200, *et seq.*—Unfair Business Practices; (x) breach of contracts to which Plaintiffs and the Class are third party beneficiaries; and (xi) violation of Florida’s Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201, *et seq.* (*Id.*);

The Wynne Action

WHEREAS, Plaintiff Amy Wynne filed her class action complaint on June 18, 2021 in the California Superior Court for the County of Marin, making it the first filed action;

WHEREAS, on September 24, 2021, Plaintiff Wynne filed an amended complaint. On November 2, 2021, Defendant Shift Digital removed the action to the Northern District of California. (Case No. 4:21-cv-08518-DMR, ECF No. 1.) Under Fed. R. Civ. P. 73, the parties in the *Wynne* action consented to trial by Magistrate Judge Donna M. Ryu;

WHEREAS, in her amended complaint, Plaintiff Wynne alleges, “Defendants are the business of selling, marketing, leasing and repairing automobiles [and] were entrusted with personal identifiable information (‘PII’)” (*See Wynne Amended Complaint, Exhibit A*, at ¶ 1.) Plaintiff Wynne further alleges, “Defendants were the target of a massive data breach in which approximately 3.3 million Customers were subject to an unauthorized access and exfiltration, theft, or disclosure of their PII” (*Id.* at ¶ 2.)

WHEREAS, in her amended complaint, Plaintiff Wynne asserts causes of action on behalf of herself and a California putative class of customers and interested

buyers for (1) violation of California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.*—Unlawful Business Practices; and (2) violation of the California Consumer Privacy Act, Cal. Civil Code § 1798.150;

Defendants

WHEREAS, Defendant VGoA is a corporation incorporated in New Jersey with its principal place of business in Herndon, Virginia;

WHEREAS, Defendant Audi has its principal place of business in Herndon, Virginia;

WHEREAS, Defendant Shift Digital is a Michigan limited liability company headquartered in Birmingham, Michigan;

Overlap Between this Action and the *Wynne* Action

WHEREAS, the claims in case at bar and the *Wynne* action arise out of the same incident. Also, both actions assert claims for violations of California’s Consumer Privacy Act, Cal. Civ. Code § 1798.150, and California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.*;

WHEREAS, the putative class defined in the case at bar includes the putative class asserted in the *Wynne* action;

WHEREAS, Defendants are named defendants in both actions;

THE PARTIES’ MEET AND CONFER EFFORTS

WHEREAS, on numerous occasions over the last month Plaintiffs and Defendants have discussed the possibility of transferring this action to the Northern

District of California—Oakland Division so this action can be consolidated with the *Wynne* action;

WHEREAS, the Parties met and conferred on November 15, 2021, regarding the subject matter of the proposed stipulation and reached agreement on the terms of this stipulation;

WHEREAS, after consideration, the Parties consent to transfer of this action to the Northern District of California—Oakland Division to proceed with the current case identified above pending in front of Magistrate Judge Donna M. Ryu;

REQUEST

WHEREAS, counsel have met and conferred regarding Defendants’ request to transfer of this action to the Northern District of California—Oakland Division, and Plaintiffs have consented to such transfer;

WHEREAS, this action could have been brought in the Northern District of California, and the convenience of the Parties and witnesses supports transfer of this action to the Northern District of California—Oakland Division, where the *Wynne* action is proceeding before Magistrate Judge Donna M. Ryu;

WHEREAS, it is Parties’ position that the interests of justice support transfer of this action to the Northern District of California—Oakland Division where it can be consolidated with the *Wynne* action, thereby conserving judicial resources and eliminating the risk of inconsistent rulings.

NOW, THEREFORE, BY AND THROUGH THEIR COUNSEL OF RECORD AND SUBJECT TO THE APPROVAL OF THE COURT, the Parties hereby stipulate and agree that:

1. This action shall be transferred to the Northern District of California—Oakland Division for consolidation with the *Wynne* action.
2. Defendants' date to respond to the Consolidated Complaint is stayed pending a schedule to be set by the Northern District of California, about which the Parties will promptly meet and confer and present a proposal to that Court.

DATED: November 22, 2021

Respectfully submitted,

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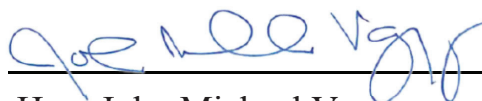
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 29, 2021



Hon. John Michael Vazquez
United States District Court Judge